

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

ROBERT MILLER §
VS. § CIVIL ACTION NO. 1:19-CV-285
WILLIAM JONES, ET AL. §

MEMORANDUM OPINION REGARDING TRANSFER

Plaintiff Robert Miller, an inmate confined at the Skyview Unit of the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se*, filed this civil rights action pursuant to 42 U.S.C. § 1983 against William Jones, Keith January, and Vickie Moceo.

Discussion

The Civil Rights Act, 42 U.S.C. § 1981, *et seq.*, under which this case is brought, does not contain a specific venue provision. Accordingly, venue in civil rights cases is controlled by 28 U.S.C. § 1391. *Jones v. Bailey*, 58 F.R.D. 453 (N.D. Ga. 1972); *aff'd per curiam*, 480 F.2d 805 (5th Cir. 1973).

When, as in this case, jurisdiction is not founded solely on diversity of citizenship, 28 U.S.C. § 1391 provides that venue is proper only in the judicial district where the defendants reside or in which the claim arose. Under 28 U.S.C. § 1404(a), for the convenience of parties and witnesses and in the interest of justice, a district court may transfer any civil action to any other district or division where it could have been brought. Such a transfer may be done *sua sponte* and is reviewable only for an abuse of discretion. *Mills v. Beech Aircraft Corp.*, 886 F.2d 758, 761 (5th Cir. 1989).

Plaintiff complains of incidents that occurred at the Hodge Unit. The Hodge Unit is located in Cherokee County, which is in the Tyler Division of the United States District Court for the Eastern

District of Texas. The court has considered the circumstances and has determined that the interests of justice would be served by transferring this action to the division in which the claims arose. Therefore, the case should be transferred to the Tyler Division. It is accordingly

ORDERED that this civil rights action is **TRANSFERRED** to the Tyler Division of the United States District Court for the Eastern District of Texas.

SIGNED this the 8th day of July, 2019.



KEITH F. GIBLIN
UNITED STATES MAGISTRATE JUDGE